

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7576

In Re: MAURICE MACK,

Petitioner.

On Petition for Writ of Mandamus. (CA-01-3981)

Submitted: January 16, 2003

Decided: February 4, 2003

Before WILKINS and MICHAEL, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Petition denied by unpublished per curiam opinion.

Maurice Mack, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Maurice Mack filed this petition for a writ of mandamus seeking an order directing the district court to rule on his Motion for Judgment on the Pleadings filed on February 5, 2002. On April 16, 2002, the magistrate judge recommended denying Mack's Motion for Judgment on the Pleadings. Although the motion is still pending in district court, there has been recent, significant action in the case.

The writ of mandamus is a drastic remedy and should only be granted in those extraordinary situations when no other remedy is available. In re: Beard, 811 F.2d 818, 826 (4th Cir. 1987). We find that there has been no undue delay in the district court. We therefore deny the petition for mandamus relief. We grant Mack's motion to proceed in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED